



"The City With a Heart"

Jim Ruane, Mayor
Rico E. Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

MINUTES

SAN BRUNO CITY COUNCIL

March 23, 2010

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on March 23, 2010 at San Bruno's City Hall, 567 El Camino Real, San Bruno, CA. The meeting was called to order at 7:00 p.m.

Mayor Ruane thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Ruane, Vice Mayor Medina and Councilmembers O'Connell, Ibarra and Salazar in attendance. Recording by Clerk Bonner. **Clerk Bonner** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

a. **Mayor Ruane** announced the 31st Annual Pancake Breakfast will be held Saturday, March 27 at 9:00 a.m. and Annual Easter Egg Hunt at 11:00 a.m. at San Bruno City Park. Vice Mayor Medina thanked the San Bruno Rotary Club and the Lions Club for their donations.

b. **Mayor Ruane** said the 20th Annual Narita, Japan Sister City Student Delegation Visit to San Bruno will take place March 24-30.

Mayor Ruane also pointed out Operation Clean-Sweep would be coming up on May 1 and to watch for more information.

3. PRESENTATIONS:

Receive Presentation by the Peninsula Corridor Joint Powers Board on Progress of the San Bruno Caltrain Grade Separation Project.

Todd McIntyre, Community Relations Manager, Caltrain gave a powerpoint presentation of the San Bruno Grade Separation Project. He said there would be a meeting for the community on Wednesday, March 31 from 6:30 to 8:30 p.m. at Belle Air School. He said another meeting is scheduled in September in order to keep the community informed. The hot-line contact number is (650) 508-7726 and email address is sbgradesep@caltrain.com.

Mayor Ruane asked what is planned to keep the public informed? **McIntyre** said there would be a formal notice sent out a few weeks before construction and it will also be emailed to City officials. There is also a website at www.caltrain.com which will be continually updated. It will also be integrated into a weekly construction notice. He added he would be the point person.

Councilmember Ibarra asked what residents will be contacted directly? **McIntyre** said all residents about 1/4 mile on either side. **Councilmember Ibarra** asked if there is an area where they can find the contact information? **McIntyre** said it would be posted.

Councilmember Ibarra asked about the first meeting at Belle Air? **McIntyre** said they would speak about the Belle Air Box Culvert.

Councilmember O’Connell asked where the water feature is? **McIntyre** said it is not in the rendering but it is in the plan. **Rafael Bolon, Project Manager, Caltrain** gave a visual description of where the water feature will be.

Councilmember O’Connell asked if there is a thought how to keep the trash out and who will maintain the area? **Bolon** said the specifics of who will be maintaining is still being negotiated. **Councilmember O’Connell** said the original rendering she saw of Posy Park was different than the rendering tonight. **Bolon** said, unfortunately, this view is not the best of Posy Park and gave an additional visual description of how it would be.

Vice Mayor Medina said he was concerned about graffiti and trash, paint-resistance, he wanted to make sure all these things go forward in this project and that it is a beautiful addition to the community. **Bolon** said it is being addressed through some of the planting on the wall itself, which typically discourages graffiti. He said there are products that make graffiti easy to remove.

Councilmember O’Connell said there are a lot of non-english speaking people. **Bolon** said they would discuss with staff what types of fliers need to be distributed. **McIntyre** said they would do translations.

Robert Riechel, 7th Ave. asked the City take the position to post the last page of the power-point presentation on the contact information for Caltrain on Channel 1.

Michael Garvey, San Carlos High Speed Rail Project said they are working closely with the JPA.

Councilmember O’Connell asked about the garbage cans and if there would be recycling cans? **McIntyre** concurred.

Rose Urbach, Euclid Ave. asked the impacts of the trains, speed? **McIntyre** said there would some impacts, but he expects it will be improved.

5. REVIEW OF AGENDA:

Mayor Ruane moved Item 11. to follow Item 8.

6. APPROVAL OF MINUTES: Regular City Council Meeting of March 9, 2010, approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of February 28, 2010.

b. **Approve:** Accounts Payable of March 8 and 15, 2010.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated February 28, 2009.

d. **Waive:** Second Reading, and Adopt an Ordinance of the City of San Bruno Amending Chapters 12.84, 12.96, 12.100, 12.108, 12.116, 12.120, 12.124, & 12.200 of Title 12 (LAND USE) of the San Bruno Municipal Code.

M/S Medina/O’Connell to approve the Consent Calendar and passed with all ayes.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

Hold Public Hearing. Adopt Resolution Adopting the Initial Study/Negative Declaration in Compliance with the California Environmental Quality Act (CEQA) and Adopt Resolution Adopting the 2009-2014 General Plan Housing Element.

Housing and Redevelopment Manager Sullivan gave an overview of the staff report and asked for questions.

Vice Mayor Medina asked outreach continue and whether this would be incorporated in the zoning. **Sullivan** concurred.

Councilmember Ibarra asked about the inventory of sites, how do the sites get promoted? **Sullivan** said this very timely, most of the sites are along El Camino Real, as part of the Transit Corridor Plan; a public outreach will be done to market specific sites.

Mayor Ruane opened the Public Hearing. No one wished to speak.

M/S Medina/Ibarra to close the Public Hearing and passed with all ayes.

Councilmember Ibarra introduced the resolution for adoption of the initial study/negative declaration and passed with a unanimous vote.

Councilmember Ibarra introduced the resolution for adoption of the 2009-2014 General Plan Housing Element and passed with a unanimous vote.

11. Receive Annual Report from the Citizens Crime Prevention Committee. (moved to follow Item 8.)

Carol Campbell, Citizens Crime Prevention Committee Member did a powerpoint presentation where she showed a picture of all the members and reviewed all the things the Committee has done over the past year.

Sonia Zaghari, Citizens Crime Prevention Committee Member shared the Committee's plans for next year.

Mayor Ruane shared how much the City appreciated the work the Committee does and thanked them.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Rose Urbach, Euclid Ave. asked the same rules be applied to the west as are applied to the east regarding street cleaning. She said a new place for the Council meetings needs to be built that is closer in town.

Helene Santoro, Santa Lucia Ave. talked about her concerns on the corner of Desoto and Santa Lucia.

Mr. & Mrs. Girard, DeSoto thanked the Council for their interest and stated they do not like what they have seen and it needs to be worked through.

Joshua Romano, DeSoto said narrowing the street doesn't work.

Perry Peterson, Scenic Ct. agrees a narrow intersection is not helpful.

Mayor Ruane said staff is working very diligently on a solution to this problem.

10. CONDUCT OF BUSINESS:

a. Adopt Resolution Approving Property Owner Notice and Protest Process for 2010-11 Solid Waste Collection and Disposal Rate Increase Proposed by Recology San Bruno.

Interim Administrative Services Director O'Leary gave an overview of the staff report and said the action is not to raise the rates, the action is to follow Proposition 218 notice requirement to property owners allowing them to protest. He said the mailer would be in the mail by Saturday of

this week in order to give 45-day notice. There will be a public hearing on May 1 and he asked for questions.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

b. Receive Oral Report on Proposed Budget Reductions for the FY 2010-11 General Fund Operating Budget.

City Manager Jackson gave a powerpoint presentation on the preliminary budget reduction plan for FY 2010-11 and asked for Council's direction.

Mayor Ruane said this presentation is assuming the savings achieved is based on what is in place now, such as furloughs? He also said a lot of people come forward to volunteer. **City Manager Jackson** said the budget assumptions anticipate several items incorporated in last year's negotiations, including a six-day furlough in most areas of the City. The budget assumes no improvements to salaries or benefits for the coming year, which still need to be negotiated. She said the City has relied heavily on volunteers through the Senior Center. She said the City is always interested and anxious to discuss volunteering.

Vice Mayor Medina said since he just received this information tonight, he will have many questions. He talked about ways to increase revenue, whether it is thinking outside the box, sharing services with our neighboring communities, adopting a park like the adopt a highway program. He said the staff at all levels are engaged and being asked to offer their comments. He said he will follow-up at another time with more questions.

Councilmember Ibarra said it has been eight years we have been reducing. He said staff is appreciated and it is getting to the point where it is really going to hurt. He said the citizens have been exempt from seeing change. He was sorry the Library would be hit again.

Councilmember Salazar asked if we could reduce salaries rather than eliminate positions and what percentage would we be looking at? **City Manager Jackson** said the 2.3% reduction represents a \$270,000. savings, about 10% would get us to an amount of around one million.

c. Adopt Resolution Authorizing City Manager to Execute an Agreement with the San Mateo Union High School District for Use of San Bruno Pool for Water Polo Practices from August 13 to November 5, 2010.

Community Services Director Schwartz gave an overview of the staff report and asked for questions.

Vice Mayor Medina asked why we would be providing another entity access to our alarm system, water chemicals, etc., and aren't we opening ourselves to exposure? It should be maintained to our standards. **Schwartz** said we could do it that way. The City will be doing the pool covers. The language was constructed in such a way that the district would share in the responsibility and liability of those functions.

Councilmember Ibarra said there was an uproar around a year ago about the high school district renegotiating use fees, he asked if this was done and can we have a nice relationship? **Schwartz** said there was a shift approximately two years ago to a fee based system, keeping with the fees currently assessed.

John Barrilier, N. Anselmo Ave. asked if the insurance is affected? **Schwartz** said the District would hold the City harmless.

Councilmember O'Connell introduced the resolution as it stands for adoption and passed by four votes with a nay from Vice Mayor Medina because the resolution was introduced as it stands.

d. Receive Report and Provide Direction to Staff Whether to Regulate Smoking in Tobacco Retail Shops and Smokers' Lounges.

City Attorney Thompson gave an overview of the staff report and asked for Council's guidance and asked for questions.

Mayor Ruane asked what the proprietor would be allowed to do? **Thompson** said the law says when there is a tobacco retail shop and smoker's lounge; the main purpose of the tobacco shop is to sell tobacco in order to get the exemption under State law. Under her interpretation, no other activity could occur other than the selling of the tobacco and she said the Council could regulate.

Mayor Ruane said they would be allowed to sell tobacco products and use them on the premises? **Thompson** concurred. **Mayor Ruane** said he would like to have a small study session to ban these facilities in our City entirely.

Thompson said, if the Council is in agreement, she needed to be directed to come back with an ordinance that prohibits smoking in smoking retail establishments. The other thing that could be done is to look at the questions more broadly.

Vice Mayor Medina asked if in this facility, would you have to be 18 years or older? **Thompson** said as long as that is the only activity. The question not answered across the state is other activities, if there are other activities like selling food, where does that end up legally? **Vice Mayor Medina** said Town Center sells tobacco products; **Thompson** said there is no smoking at that location. 7/11 can sell cigarettes and it also sells other things; however, smoking is prohibited. **Vice Mayor Medina** said in this particular sole primary smoking tobacco related project, currently under law smoking could occur. **Thompson** concurred.

Vice Mayor Medina asked how could we be sure they are abiding by the law?" **Police Chief Telford**, said the County has provisions and goes and enforces tobacco regulations for minors purchasing. **Vice Mayor Medina** said minors should not be near there and it concerns him the potential minors would have with an avenue to do that. **Thompson** said that concern would be even more warranted if chips and gum were sold, then minors could come in to get those things.

Councilmember Ibarra said there are bars that say no one under 21, yet there are bars that sell food. Do we want this type of establishment in this community, his answer is no. He said it would be interesting to see this enforced.

Councilmember Salazar said there are three cities in the County who prohibit smoking in retail stores. Because this is a lounge, is it considered different than a retail store? Would we open ourselves up to a loss suit, preventing them operating the way they intended? **Thompson** said where there is a retail shop whose primary purpose is to sell tobacco products, it can have a smoker's lounge associated with it. If smoking is prohibited in the retail shop, it is effectively prohibited in the lounge.

Mayor Ruane asked the attorney's suggestion about the ordinance? **Thompson** said there could be a study session to look at the tobacco ordinance, prohibiting smoking in tobacco retailers excluding the one already approved or a session to look at all fourteen. **Mayor Ruane** said bring back the ordinance and all Council agreed. **Thompson** concurred and asked if Council desired to further study smoking and all Council agreed.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Receive Annual Report from the Citizens Crime Prevention Committee. (Moved to follow Item 8.)

12. COMMENTS FROM COUNCIL MEMBERS: None.

13. CLOSED SESSION: None.

14. ADJOURNMENT:

Mayor Ruane closed the Council meeting at 9:02 p.m. The next regular City Council Meeting will be held on April 13, 2010 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
April 13, 2010

Carol Bonner, City Clerk

Jim Ruane, Mayor